

The Chair is not advised of any other amendments to Committee Recommendation EB-2. Correction, there is one,

The pages will please distribute Amendment M.

This will be Amendment No. 10.

The Clerk will read the Amendment.

READING CLERK: Amendment No. 10 to Committee Recommendation EB-2 by Delegate Chabot:

On page 2 Section , Powers and duties of the Attorney General, in line 12 after the period add the following new sentence: "The Attorney General shall appoint such number of deputies or assistants as the General Assembly may prescribe by law."

THE CHAIRMAN: The amendment is submitted by Delegate Chabot. Is there a second?

*(The motion was duly seconded.)*

THE CHAIRMAN: The amendment is seconded by Delegate Child. The Chair recognizes Delegate Chabot to speak to the amendment.

DELEGATE CHABOT: Mr. Chairman, although I think that the Committee compromises by giving too much power to the attorney general, I am afraid this is one power which the attorney general has in the present Constitution which the Committee left out and which may turn out to be a vital one. As I read the section before us, the General Assembly could, if it wished to, remove from the attorney general the power to appoint his own deputies and assistants. I do not believe that was the Committee's intention.

It could cripple the operation of the attorney general's office if the attorney general and the General Assembly were at odds and I have spoken, I have shown this amendment to the Chairman of the Committee who has indicated to me that he does not see any objection to it and I commend it to the Committee of the Whole.

THE CHAIRMAN: Are there any questions?

The Chair would like to inquire.

Delegate Chabot, your sentence in line 5 says, "The Attorney General shall appoint"—there have been occasions in the past and I dare say will be in the future when for one reason or another the attorney general may have a vacancy in assistance.

Do you mean that the attorney general would have to appoint a certain number whether he needed them or not?

DELEGATE CHABOT: No, I intended that it shall be "may appoint."

THE CHAIRMAN: Would you modify line 5 to read "The Attorney General may appoint."

THE CHAIRMAN: If there is no objection, then the amendment will read, "The Attorney General may appoint such number of deputies or assistants as the General Assembly may prescribe by law."

DELEGATE MORGAN: Let me ask Delegate Chabot a question, if I may.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Yes, sir.

DELEGATE MORGAN: Is there anything in this amendment which would preclude the General Assembly if it felt desirable sometime in the future from putting the attorney general assistants under a merit system?

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: The only matter along that line in which I would concede that this might create some interference with the power of the General Assembly to create a merit system plan for people who are appointed, concerns those already appointed.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: That is all I want.

I have no objection to the amendment.

THE CHAIRMAN: The Chair has a further question.

Is it intended that the amendment in any way limits the power of the Attorney General to remove an assistant appointed by him or to in any other way fix the term of the deputies or assistants.

DELEGATE CHABOT: It is not intended and I do not see that this could limit such power. This does not go to that power at all.

THE CHAIRMAN: My question is not directed to a provision of law if there is any, but if there is no provision in the law except a budgetary provision for assistants, would you intend that this provision would in any way affect the power of the Attorney General to remove an assistant appointed by him?